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ABSTRACT

This document was prepared in response to inquiries that have been received by the Environmental Protection Agency concerning the reinspection requirements and related provisions of the Asbestos Hazard Emergency Response Act (AHERA) regulations. The answers developed represent the Agency's responses to the 15 most frequently asked questions to this subject. Contact information for regional asbestos coordinators is provided. (LZ)

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United States Environmental Protection Agency
Office of Toxic Substances
Office of Pesticides and Toxic Substances
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EPA

Answers to the Most Frequently Asked Questions About Reinspections

Under the AHERA Asbestos-In-Schools Rule

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Answers to the *Most Frequently Asked Questions* About Reinspections

Under the AHERA Asbestos-In-Schools Rule

This document has been prepared in response to the many inquiries that have been received by the Environmental Protection Agency (EPA) concerning the reinspection requirements and related provisions of the Asbestos Hazard Emergency Response Act (AHERA) regulations.

The answers developed here represent the Agency's responses to the most frequently asked questions on this subject. We believe most problem areas have been addressed. However, it is likely that additional questions will occur as the reinspection cycle gets underway. This document is not intended to cover every conceivable query about the reinspection process. It should be used as an adjunct to the AHERA rule for additional clarification of the regulations.

Any questions not answered by this document can be referred to the appropriate Regional Asbestos Coordinator listed on the last page or the EPA Toxics Hotline in Washington, D.C. at 202/554-1404.

Office of Toxics Substances
Office of Pesticides and Toxic Substances
U.S. Environmental Protection Agency
Washington, D.C. 20460

May, 1991

REINSPECTIONS

Questions & Answers

Question 1: *By what date must an LEA have had its school reinspected?*

Answer: Under AHERA, school buildings must be reinspected every three years. The first triennial reinspection must occur within three years after a management plan is in effect [See Section 763.85(b)]. Each LEA was required to develop a management plan no later than May 9, 1989. Implementation of the plan was required to begin by July 9, 1989. Therefore, the first round of three year reinspections must be completed by July 9, 1992.

Question 2: *If implementation of the management plan began prior to July 9, 1989, must the reinspection take place within three years of the actual date the plan was first implemented?*

Answer: YES. The original management plan should have contained reinspection guidelines. These guidelines should have emphasized that as part of implementing the management plan, all reinspection information must be incorporated into the document. If implementation of a management plan began prior to July 9, 1989, the first reinspection should take place within three years of the date the plan was first implemented. However, since implementation of all management plans had to begin no later than July 9, 1989, if the date when implementation first occurred cannot be specifically ascertained, reinspection must take place no later than July 9, 1992.

Question 3: *If a management plan was first implemented on January l0, l989 and the LEA had a reinspection on January l0, l992, could the second reinspection date be extended to July 9, l995, or would it have to be done by January l0, l995?*

Answer: Section 763.85 (b) requires reinspections to be done "at least once every three years." Therefore, the next triennial reinspection would have to be done on or before January l0, 1995, within three years of the first reinspection.

Question 4: *If the original inspection overlooked some asbestos-containing building materials (ACBM) or if some areas of the building were not accounted for in the first inspection, must the reinspection include the inspection, assessment and documentation of these overlooked areas?*

Answer: NOT REQUIRED by regulation BUT STRONGLY RECOMMENDED BY EPA. While it is not an AHERA requirement, we strongly urge all schools to reinspect those areas or

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materials in their buildings that may have been overlooked in their initial school inspections.

As a result of an EPA-sponsored AHERA evaluation study and various enforcement activities, it was discovered that, in the original inspections, certain categories of ACBM were frequently missed by inspectors and do not appear in many management plans. Therefore, inspectors conducting reinspections should make sure that materials such as ceiling tile, wallboard, plaster walls, linoleum, fire doors, duct insulation and vibration dampening cloth, which are considered suspect ACBM, are identified and included in the management plan.

The regulations regarding reinspections impose no requirement beyond reinspecting the materials and areas covered in the original inspection, plus any additional materials discovered subsequent to the original inspection; that is, reinspection encompasses "all friable and nonfriable known or assumed ACBM." [Section 763.85(b)(3)(i)]. EPA strongly recommends, however, that the reinspection be thorough so that any deficiencies in the original inspection will be addressed in the reinspection. Any actual or assumed ACBM not previously identified that is discovered during reinspection (or periodic surveillance) should be included in an update to the management plan. The update must include a management planner's recommendations for appropriate response actions based on an accredited inspector's assessment [See Section 763.88(d)].

Question 5: *If the time interval for a 6 month periodic surveillance inspection should coincide with the date for the reinspection, can the reinspection also satisfy the periodic surveillance requirement?*

Answer: YES, since reinspection includes everything that would be covered in the 6 month surveillance.

Question 6: *Is reinspection required for buildings in which no ACBM, known or assumed, was found in the original inspection, or where abatement subsequent to the original AHERA inspection removed all ACBM?*

Answer: NO. Since the AHERA rule confines the reinspection to "all friable and nonfriable known or assumed ACBM," reinspection is not required for buildings which contain no ACBM. However, in accordance with Sections 763.93(d) and (e), management plans should document the asbestos removal as a response action activity in accordance with Sections 763.94(b) and (g); or, if applicable, contain an inspection report or architect's statement that the building is asbestos-free; or that no ACBM was specified in its construction [see Sections 763.99(a)(6) and (7)]. Schools that have conducted asbestos abatement to remove all ACBM should conduct a reinspection in case some ACBM was missed. In addition, LEAs must

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continue to appoint a "designated person," retain their management plans indefinitely, and provide annual written notification to parent, teacher, and employee organizations of the availability of the plan.

Question 7: *Will areas of newly friable ACBM or assumed ACBM be required to undergo initial cleaning in accordance with Section 763.91?*

Answer: YES. If upon reinspection (or during a periodic surveillance) the condition of ACBM or assumed ACBM has changed from the original AHERA inspection to friable from nonfriable, and the building has not been cleaned since the original inspection, the following requirements as stated in Section 763.91(c)(1) will apply: "Initial cleaning. Unless the building has been cleaned using equivalent methods within the previous 6 months, all areas of a school building where friable ACBM, damaged or significantly damaged thermal system insulation ACM, or friable suspected ACBM assumed to be ACM are present shall be cleaned at least once after the completion of the inspection required by Section 763.85(a) and before the initiation of any response action, other than O & M activities or repair... ."

Question 8: *AHERA requires that an an accredited management planner review the results of each inspection and assessment. Is this also required for reinspections?*

Answer: YES. Section 763.88(d) states that "the local education agency shall select a person accredited to develop management plans to review the results of each inspection, reinspection, and assessment for the school building and to conduct any other necessary activities in order to recommend in writing to the local education agency appropriate response actions."

The review and response action recommendations are particularly important if assessments of known or assumed ACBM have changed from the initial AHERA inspection, or if known or assumed ACBM, previously identified as nonfriable, has become friable.

Question 9: *Must an LEA reinspect a building that is no longer in use as a school?*

Answer: NO. Section 763.85(b)(1) indicates that LEAs shall conduct a reinspection in buildings that they "lease, own, or otherwise use as a school building." However, if the building is not being used as a school at the time its reinspection would have occurred (even if the LEA continues to lease or own the building), the LEA must be able to certify that it is no longer using the building as a school. In addition, if an LEA has stopped using a building as a school, and later decides to use the building as a school, it must be reinspected in accordance with Section 763.85(b).

Question 10: *When must an LEA reinspect a school brought into service after October 12, 1988?*

Answer: Section 763.85(a)(2) requires inspection of schools brought into service after October 12, 1988 prior to use of a building as a school. Section 763.93(a)(3) requires submission of a management plan for such schools to the Governor prior to use of the building. The management plan of a school building brought into service after October 12, 1988 would be in effect 90 days after submission of the plan to the State Governor unless the plan is disapproved. Reinspection must occur within 3 years of the date the plan is in effect, that is, 90 days after submission to the Governor.

Question 11: *What reinspection records must be included in the management plan?*

Answer: In accordance with Section 763.85(b)(3)(vii), the following records must be included:

- The date of the reinspection, the name and signature of the person making the reinspection, State of accreditation, and, if applicable, his or her accreditation number.
- Any changes in the condition of known or assumed ACBM.
- The exact locations where samples were collected during the reinspection, a description of the manner used to determine sampling locations, the name and signature of each accredited inspector who collected the samples, State of accreditation and, if applicable, his or her accreditation number.
- Any assessments or reassessments made of friable material, the name and signature of the accredited inspector making the assessments, State of accreditation, and if applicable, his or her accreditation number.

In addition, the written recommendations of the management planner must be included in the management plan [See Section 763.88(d)].

Question 12: *How should assessments or reassessments made as a result of the reinspection be documented?*

Answer: Sections 763.88(a)(1) and (2) require that the accredited inspector provide a written assessment of all known or assumed friable ACBM in the school building, and submit a copy of the assessment to the designated person within 30 days of the assessment. If there is no change in the material from the initial inspection, the accredited person can simply refer to the initial assessment.

Question 13: *What are the necessary components of an AHERA reinspection?*

Answer: An accredited inspector should visually reinspect and reassess the condition of all known or assumed friable ACBM; visually inspect previously considered nonfriable ACBM and touch it to determine if it has become friable; identify homogeneous areas of material that have become friable since the last inspection; develop required records (detailed in the Answer to Question ll) and submit such records to the LEA's designated person within 30 days of reinspection.

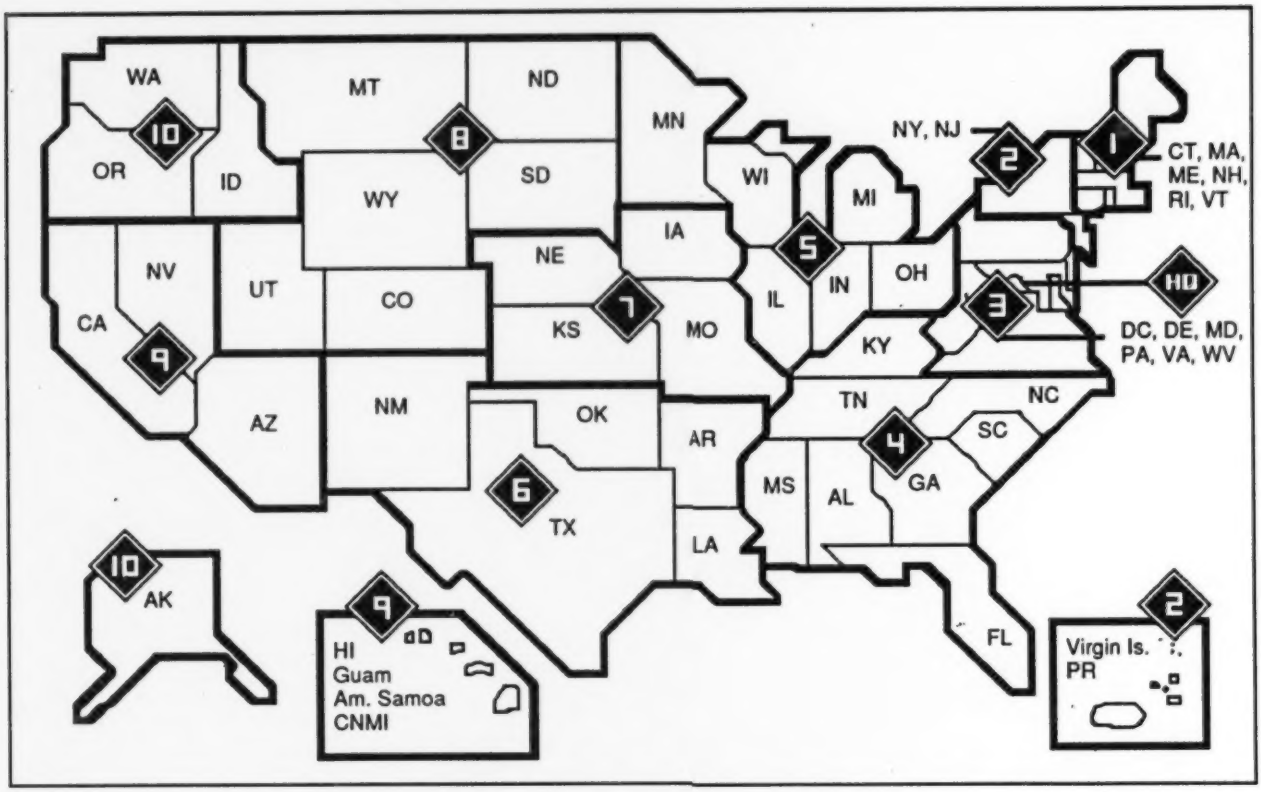
Question 14: *What are the required qualifications for the persons involved in the reinspection?*

Answer: The person conducting the reinspection must be accredited under AHERA as an inspector, and his/her accreditation must be current for the period in which the reinspection takes place. The management planner responsible for the review of the results of the reinspection and recommendations for response actions must be accredited as a management planner under AHERA and his/her accreditation must be current for the period in which the review of the reinspection takes place.

Question 15: *When the management plan is revised as a result of the reinspection, does the updated plan have to be resubmitted to the State?*

Answer: NO. A management plan has to be submitted to the Governor of the State when it is first developed. AHERA does not require subsequent updates or other changes to the plan to be submitted to the State.

Regional Asbestos Groups



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